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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1694 of 2007

PETITIONER

: Mohan Ram Rajware, aged about 50 years, son of Shri Ram Prasad Rajware, occupation – Lab Attendant, Distt. Hospital Ambikapur, Distt. Surguja (CG)

VERSUS

RESPONDENTS

- : 1. The State of Chhattisgarh, through – the Secretary, Department of Health, Dau Kalyan Singh Bhawan, Mantralaya, Raipur (CG)
2. Civil Surgeon / Superintendent Main / Distt Hospital, Ambikapur, Distt. Surguja (C.G.)

Present: Shri Abhay Kumar Tiwari, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on 22nd of March, 2007)

1. The petitioner working as Lab Assistant in the District Hospital, Ambikapur, was convicted in a criminal case and sentenced to undergo 6 months rigorous imprisonment with fine of Rs. 500/-, in default of payment of fine, one month imprisonment was imposed. On the basis of the conviction, the petitioner, vide order dated 12.09.2001 (Annexure P/2) was removed from the

service. The petitioner did not take any step for more than 5¹/₂ years. It appears that the petitioner was satisfied with the impugned order dated 12.09.2001.

2. At this stage, after inordinate unexplained delay of more than five years, this petition cannot be entertained as any order passed in favour of the petitioner may upset the entire setup as in place of the petitioner, new person must have been appointed and there might not be a vacancy for appointment of the petitioner, even if the petitioner succeeds in the petition.
3. In view of the foregoing, this petition is dismissed on the ground of delay. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge